

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

400 P STREET, 4TH FLOOR
P.O. BOX 806
SACRAMENTO, CA 95812-0806

SAMPLE LETTER
ATTACHMENT 5

Name of Requestor
Address

Dear (Name of Requestor):

PUBLIC RECORDS ACT REQUEST DATED _____
DTSC PR _____

The Department of Toxic Substances Control has received your request to review specified Department records.

(If all or some of the records requested are exempt from disclosure the response must identify the applicable code sections which exempt the records.)

"(Some) or (All) of the records you have asked to review are exempt from disclosure because they are (attorney-client records (Government Code §6254(K) and Evidence Code §954); attorney work product records (Government Code §6254(k); trade secrets (Government Code §6254(k) and Evidence Code §1060, Health and Safety Code §25173 and/or 25358.2); official information (Government Code §6254(k) and Evidence Code §1040); records containing the identity of informants (Government Code §6254(k) and 22 CCR §66272.20(c); draft documents (Government Code §6254(a); medical, personnel or financial records (Government Code §6254(c)); pending litigation records (Government Code §6254(b); investigation files for law enforcement or licensing purposes (Government Code §6254(f); deliberative process privilege records (Government Code §6255); records wherein the public interest in nondisclosure outweighs the public interest in disclosure (Government Code §6255); correspondence of and to the Governor (Government Code §6254(1)); personnel rules and practices (40 CFR §2.118(a)(2)); statutorily exempt records (40 CFR §2.118(a)(3)); confidential business information (40 CFR §2.118(a)(4)); confidential Department memos and letters (40 CFR §2.118(a)(5)); personnel and medical files (40 CFR §2.118(a)(6)); law enforcement records (40 CFR §2.118(a)(7) etc.). These records will not be disclosed by the Department."

(Records which are exempt and withheld from review must be identified individually or by general category of documents. An individual document identification should include the type of document (letter, memo, etc.), date prepared, name of sender and name of receiver. If identified by general category, the records may be identified as letters, memos, enforcement reports, diagrams, etc. A document should not be identified if the mere fact of identifying the existence of the document would reveal confidential information:)



"The record(s) being withheld (is/are) identified as (describe the individual record or identify the general category of the records withheld such as letters, memos, diagrams, enforcement reports etc.)."

(Where records are withheld by the Department, include the following paragraph:

"Government code §6258 authorizes any person to bring a legal action for injunctive, declarative relief or writ of mandate in a court of competent jurisdiction to enforce his or her right to inspect or copy public records.")

(Where some or all of the records requested will be disclosed by the Department the requestor should be informed of who to contact to review the records:

"Please call insert name of file room technician at insert telephone number to arrange for an appointment to review the records which will be disclosed by the Department.")

Sincerely,

Signature of Person Denying Request
Title

(A denial of a request for public records must identify the name and title of the person denying the request.)

cc: PRC

ATTACHMENT 5 (CONTINUED)